

News from the New Hampshire Department of Environmental Services



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DES Adopts Interim Rules for New Aquatic Resource Mitigation Fund (ARM) *ARM Program Provides Option to Wetlands Permit Applicants*

Concord, NH – The New Hampshire Department of Environmental Services Wetlands Bureau recently adopted interim rules for the Aquatic Resource Mitigation Fund (ARM), which authorizes the collection of mitigation funds in lieu of other forms of wetland mitigation as part of a Wetlands Permit Application. The ARM program was authorized in legislation signed into law by Governor Lynch in June.

Traditionally, compensation for wetland impacts is achieved through creating a new wetland, restoring a former wetland site, or protecting a high-quality aquatic resource by preserving adjacent upland habitat. Most wetland mitigation is still done by the person getting the permit, and the mitigation effort usually takes place on the site of the proposed development.

The ARM fund, on the other hand, can be spent towards addressing specific needs of a watershed where the permitted wetland impacts are occurring. This type of process more commonly referred to as an *in-lieu fee program*, is ideal for small projects that have difficulty in locating an appropriate mitigation site. If eligible, the applicant pays into the ARM fund and the fees can be pooled so as to contribute to larger ongoing restoration or creation efforts, or to improve upon known preservation projects that would have immediate environmental result.

By pooling funds from many projects, the ARM fund has the potential for long-term environmental results from wetland mitigation that considers watershed goals, assists conservation efforts in recognizing green infrastructure plans of a town or region, and has the ability to target important and vulnerable wetlands in a region.

The interim rule may be viewed online at:

http://www.des.state.nh.us/RuleMaking/adopted2006/Env-Wt800amdILF_INT_Adopted.pdf

It is anticipated that the final version of the rule will not vary much from the interim version. The final rule is expected to be in place by May 17, 2007. For more information on the ARM fund, please contact Lori Sommer, DES Wetland Bureau, at (603) 271-4059.

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